IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

AR.No. 3 of 2006()

PETITIONER:

P.R.SREERAM,
"AARDRA", 23/48, PALLIPPURAM VILLAGE,
PALAKKAD - 678 006.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:
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1. SMT. S.S.BALASUNDARI,
"PRANAVAM", 581/B1,
REDDY & REDDY COLONY, TIRUPATHI-1,
ANDHRA PRADESH.

2. P.R.RANGANATHAN,
"AARDRA", 23/48, PALLIPPURAM VILLAGE,
PALAKKAD-678 006.

3. P.R.RAJESWARI,
"AARDRA", 23/48, PALLIPPURAM VILLAGE,
PALAKKAD-678 006.

4. P.R.VENKITESWARAN,
"AARDRA", 23/48, PALLIPPURAM VILLAGE,
PALAKKAD-678 006.

THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J.

A.R.No.3 of **2006**

Dated, this the 10th day of January, 2007

ORDER

V.K.Bali,C.J.(Oral)

The prayer in this application is for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. It is the case of the petitioner that petitioner and respondents are partners of a firm in the name and style "Peeveear Medical Agencies". The said firm was carrying on business as pharmaceutical distributors and dealers in all varieties of medicines and allied goods. The firm was started by late P.R.Venkiteswaran who is the husband of the first respondent and by the second respondent who are brothers. Subsequently the business was reconstituted in the year 1995 with the petitioner and respondents 2, 3 and 4 and late P.R.Venkiteswaran who passed away. Thereafter the first respondent expressed her desire to join the business as partner and accordingly she was admitted as a partner and continued the business. Whereas one party appointed the first Arbitrator,

the second party appointed a second Arbitrator. Thereafter, even after 30 days from the dates of their respective appointments, first and second Arbitrators have failed to agree with the third Arbitrator.

2. Even though there was representation for the respondents on the last date of hearing, no one has chosen to appear today. Learned counsel for the petitioner informs the Court that he has information from the respondents that they would not object to the appointment of Justice K.P.Radhakrishna Menon, a former Judge of this Court, as the sole Arbitrator in this case. Even otherwise, as no representation has been made on behalf of the respondents and the request has not been opposed, the same has to be allowed. This Court appoints Justice K.P.Radhakrishna Menon, a former Judge of this Court, as the sole Arbitrator to render an award in accordance with law.

V.K. BALI,
CHIEF JUSTICE.

vns